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8
9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

E-FILED - 7/5/06

11 MICHAEL ARIKAT and PASIMA ARIKAT,) Case No. C 06-0330 RMW (RS)
12 Plaintiff,)
13 vs.)
14 JP MORGAN CHASE & CO.; LOWE'S HIW,)
15 INC.; MACY'S DEPARTMENT STORES,)
16 INC.; MBNA MARKETING SYSTEMS, INC.;)
17 MIDCOAST CREDIT CORP.; DISCOVER)
18 FINANCIAL SERVICES, INC.; HOME)
19 DEPOT U.S.A., INC.; SEARS, ROEBUCK)
20 AND CO.; WELLS FARGO FINANCIAL)
21 CALIFORNIA, INC.; FAIR ISAAC)
22 CORPORATION; TRANS UNION LLC;)
23 EQUIFAX, INC.; EXPERIAN SERVICES)
24 CORP.,)
25 Defendants.)
26)
27)
28)

**STIPULATION AND [PROPOSED]
ORDER BETWEEN PLAINTIFFS AND
DEFENDANT TRANSUNION LLC
REGARDING FIRST AMENDED
COMPLAINT**

STIPULATION

WHEREAS, on January 18, 2006, plaintiffs Michael Arikat and Pasima Arikat (“Plaintiffs”) initiated this action by filing the Complaint for Monetary Damages, Injunctions and Declaratory Relief (the “Complaint”);

WHEREAS, on February 9, 2006, TransUnion filed its Motion to Dismiss the Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the Alternative, for More Definite Statement Pursuant to Rule 12(e) (the “Motion”);

WHEREAS, in the Motion, TransUnion argued, among other things, that the Second Cause of Action for Breach of Contract, the Fourth Cause of Action for Violation of the Equal Credit Opportunity Act and the Fifth Cause of Action for Violation of the Fair Debt Collection Practices Act do not apply to TransUnion as a matter of law and should be dismissed without leave to amend as to TransUnion and that the remaining causes of action were not adequately pleaded and should be dismissed:

WHEREAS, on March 3, 2006, Plaintiffs filed their Opposition to the Motion in which they concede that the Second Cause of Action for Breach of Contract, the Fourth Cause of Action for Violation of the Equal Credit Opportunity Act and the Fifth Cause of Action for Violation of the Fair Debt Collection Practices Act do not apply to TransUnion and request leave to file an amended complaint to adequately plead the remaining causes of action;

WHEREAS, on March 8, 2006, counsel for TransUnion and counsel for Plaintiffs met and conferred regarding the Complaint and the pending Motion to Dismiss:

WHEREAS, during this conversation, Plaintiffs agreed to dismiss the Second, Fourth, and Fifth Causes of Action as to TransUnion and to file an amended complaint in regard to the remaining causes of action.

WHEREAS, on May 30, 2006, Plaintiffs filed the First Amended Complaint that failed to correct any of the defects contained in the original complaint as to TransUnion.

WHEREAS, on June 14, 2006, counsel for TransUnion and counsel for Plaintiffs met and conferred regarding the First Amended Complaint. At that time, TransUnion informed Plaintiffs that it intended to refile its Motion to Dismiss in response to the First Amended Complaint.

WHEREAS, during this conversation, Plaintiffs agreed to dismiss the Second, Fourth, and Fifth Causes of Action of the First Amended Complaint as to TransUnion and to file an amended complaint in regard to the remaining causes of action.

IT IS HEREBY STIPULATED by and between Plaintiffs and TransUnion, through their respective counsel of record, as follows:

1. The Second, Fourth and Fifth Causes of Action of the First Amended Complaint are hereby dismissed as to TransUnion with prejudice; and

2. Plaintiffs shall file an amended complaint within thirty (30) days of the entry of an order approving this Stipulation; and

3. TransUnion shall have thirty (30) days from the date it is served with the amended complaint to answer or otherwise respond thereto.

Dated: June 14, 2006

STROOCK & STROOCK & LAVAN LLP
STEPHEN J. NEWMAN
DEBORAH E. BARACK
LINDSAY G. CARLSON

By:

Deborah E. Barack

Attorneys for Defendant
TRANSUNION LLC

Dated: June , 2006

LAW OFFICES OF STANLEY G. HILTON
STANLEY G. HILTON

By:

Stanley G. Hilton

Attorney for Plaintiffs
MICHAEL ARIKAT and PASIMA ARIKAT

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

United States District Judge

WHEREAS, during this conversation, Plaintiff's agreed to dismiss the Second, Fourth, and Fifth Causes of Action of the First Amended Complaint as to TransUnion and to file an amended complaint in regard to the remaining causes of action.

IT IS HEREBY STIPULATED by and between Plaintiffs and TransUnion, through their respective counsel of record, as follows:

1. The Second, Fourth and Fifth Causes of Action of the First Amended Complaint are hereby dismissed as to TransUnion with prejudice; and

2. Plaintiffs shall file an amended complaint within thirty (30) days of the entry of an order approving this Stipulation; and

3. TransUnion shall have thirty (30) days from the date it is served with the amended complaint to answer or otherwise respond thereto.

Dated: June __, 2006

STROOCK & STROOCK & LAVAN LLP
STEPHEN J. NEWMAN
DEBORAH E. BARACK
LINDSAY G. CARLSON

By:

Deborah E. Barack

Attorneys for Defendant
TRANSUNION LLC

LAW OFFICES OF STANLEY G. HILTON
STANLEY G. HILTON

By

~~Stanley G. Hilton~~

Attorney for Plaintiffs
MICHAEL ARIKAT and PASIMA ARIKAT

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/5/06

/S/ RONALD M. WHYTE
United States District Judge

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**STIPULATION AND [PROPOSED] ORDER BETWEEN PLAINTIFFS AND DEFENDANT TRANSUNION LLC
REGARDING FIRST COMPLAINT; Case No. C 06-0330 BMW (RS)**